

BRYAN APPOINTED EXECUTOR.

TO ACT IN THE BENNETT WILL CASE DESPITE PROTEST.

occupies the position of a Contestant of an Instrument Which He Is Bound to Enforce—Mrs. Bennett to Contest a \$10,000 Bequest to Colleges.

NEW HAVEN, Conn., Nov. 7.—When William J. Bryan appeared in the Probate Court this morning to qualify as one of the executors of the will of the late Philo S. Bennett, Judge Henry Stoddard, counsel for Mrs. Bennett, put in a strenuous objection to Mr. Bryan acting in that capacity. Attention was called to the fact that only yesterday Judge Cleveland admitted the will to probate, but had excluded the sealed letter as part of the will. The sealed letter told Mrs. Bennett to give \$50,000 to Mr. Bryan.

Mr. Bryan has determined to appeal from this decision of the Probate Court, and it was to perfect the decree of the court on that appeal, and also to have the executors qualify, that he appeared in court. The other executor is Alfred P. Sloan, partner of the late Mr. Bennett.

It came out during the hearing that the widow is determined to attack Paragraph 17 of the will, the one under which Mr. Bryan was made trustee of a fund of \$100,000 to be divided among twenty-five universities and colleges in sums of \$500 each. The income of the sums is to be devoted to prizes for the best essays on the principles of free government.

At the start Judge Stoddard entered his protest against Mr. Bryan as executor. He said: "I should like to know whether Mr. Bryan will qualify as executor. I certainly, on behalf of the widow and other heirs, shall urge Mr. Sloan's appointment, but I shall protest against Mr. Bryan qualifying."

Mr. Newton, counsel for Mr. Bryan, remarked: "Mr. Bryan intends to qualify."

"Then does Mr. Bryan intend to take an appeal?" asked Judge Stoddard.

Mr. Newton said that they would decide that in due time. Judge Stoddard again said that he wished to protest against Bryan qualifying as executor. Mr. Newton said that Mr. Bryan would not appeal against the probate of the will, but would appeal from the court's decision in refusing to admit the sealed letter as a part of the will.

Mr. Stoddard then said that the court had decided that the letter was no part of the will and that it would be the duty of Mr. Bryan, if he were appointed executor, to uphold that decision.

"And if he qualifies as executor he will owe a certain duty to my clients," said Judge Stoddard. "If he has any lingering suspicion that he may appeal from your Honor's decision, he has no business to qualify. He cannot serve two masters."

He is to uphold the majesty of the law, as represented by your Honor, his duty is to carry out the provisions of the will as it is admitted by this court. His duty is not to destroy it. If Mr. Bryan takes an appeal, a course will be taken against the interests of my clients and against the provision of the will.

"Mr. Bryan suggested that we leave him alone to look after the interests of his family. Now, I suggest that if he is executor he will have an interest, a personal interest and an interest in behalf of his family. He cannot put that aside. Should the letter stand, as it is his evident desire to have it stand, his wife and children have property interests at stake, and he would find that his duties as executor and as an interested beneficiary under the letter would conflict."

Mr. Bryan had suggested that his rights under the letter be secured by a mortgage on the estate. He could not do so unless he signed a written statement to that effect. The interests of his wife and children would be advanced to those of my clients to the law of the land. It would be inconsistent for Mr. Bryan to act as executor. It would be utterly inconsistent for him to appeal and to attempt to act as executor.

"I am not sure whether your Honor has decided or not in the matter. I contend that if your Honor has none, and appoints Mr. Bryan, I shall advise my clients to take an appeal to the higher court."

There is one other suggestion. Under the seventeenth clause, Mr. Bryan takes as trustee certain monies, \$10,000, and has no duty to pay them to my clients, but has advised my clients. It is Mr. Bryan's duty to uphold the provisions of the will. If he does not, he is not a trustee. He is a trustee under the will and at the same time executor, and the two will conflict. He will be a contestant as a beneficiary and an executor.

The executor ought to stand independent in the controversy. It would seem to me that a man would not want to occupy a position whereby it might be suggested that his motives as trustee might actuate him in the capacity of executor. It is the duty of Mr. Bryan as executor to uphold the will as admitted by the court. I therefore, protest against his qualifying as executor."

Mr. Newton replied very briefly in behalf of Mr. Bryan. He said:

"I do not think it necessary to be heard at any length on this subject. There is to be no appeal. Mr. Bryan is executor and as trustee. It is his duty to be sure that there is enough in the estate to pay the bequests. In a large majority of cases the executor is a beneficiary. Because of the fact that a man is executor, it would be absurd to say that he was disqualified to act because he was a trustee. It is the duty of the executor to uphold the will as admitted by the court. I therefore, protest against his qualifying as executor."

"The full value of the estate is estimated to be \$2,000,000. Part is composed of book accounts. The actual value cannot be stated except after a careful examination. I am willing that Judge Stoddard should appoint a committee to make an inventory of the estate. Of course, my clients must be satisfied as to the amount of the bequest. So far as my acting as executor is concerned," continued Mr. Bryan, "I was asked to serve by Mr. Bennett. I feel that I ought to do it unless some one is appointed who is interested in carrying out the provisions of the will rather than in defeating it. If an executor can be barred by a contest, it would be easy to defeat any executor. It is no especial pleasure for me to act as executor. In fact, it is a great inconvenience, but until the court releases me I feel that I must do so."

"That is very kind of you, Mr. Bryan," said Judge Stoddard sarcastically. "I thought you would obey the decree of the Probate Court. The actual value cannot be stated except after a careful examination. I am willing that Judge Stoddard should appoint a committee to make an inventory of the estate. Of course, my clients must be satisfied as to the amount of the bequest. So far as my acting as executor is concerned," continued Mr. Bryan, "I was asked to serve by Mr. Bennett. I feel that I ought to do it unless some one is appointed who is interested in carrying out the provisions of the will rather than in defeating it. If an executor can be barred by a contest, it would be easy to defeat any executor. It is no especial pleasure for me to act as executor. In fact, it is a great inconvenience, but until the court releases me I feel that I must do so."

"The bond was fixed at \$50,000, and Mr. Bryan qualified, his surety being the Etna Indemnity Company of Hartford. Charles Cleveland of this city was named as one of the appraisers of the estate by Judge Cleveland. Mr. Bryan suggested that Judge Stoddard name the other. The latter declined until he had consulted with Mrs. Bennett."

Judge Stoddard said he should appeal to the Superior Court against several claims given to colleges, as well as against the executorship of W. J. Bryan. One of the trusts is for \$10,000, of which Mr. Bryan is trustee, and another is for \$10,000, in which

Mr. Bryan is the trustee. Undue influence will be alleged.

Mr. Bryan, after court, was asked if a compromise was likely to be made.

"It is no case to compromise," said he. "It is the gift of nothing."

Mr. Bryan was the guest of Mayor John P. Stedley this afternoon at an informal luncheon. Several politicians of both parties were present. Mr. Bryan will sail for Europe next Wednesday and will not return to America until the last of the year. He will be accompanied by his son, Just before he went to New York to-night Mr. Bryan was asked if there was any truth in the story that Mr. Bennett's enthusiasm for him was due to a promise made by Mr. Bryan to Mr. Bennett that he would appoint him Ambassador to the Court of St. James if he was elected President.

"No such thing ever occurred, not such thing was ever discussed," replied Mr. Bryan.

F. D. JOHNSON'S INSURANCE.

Four Casualty Companies Refuse to Pay \$10,000 Each—Say He Killed Himself.

NEW HAVEN, Conn., Nov. 7.—The insurance companies who held accident policies amounting to \$40,000 on the life of Frank D. Johnson, aged 40 years, manager of the Tidewater Trap Rock Company of this city and son of former Mayor Johnson of Wallham, Mass., who died last Monday morning as a result of a fall from his bicycle on East Rock, gave notice to-day that they would not pay the policies on the ground that Johnson's death was suicidal.

The four companies in which Johnson was insured are the Fidelity and Casualty Company of New York, the United States Casualty Company, the Etna Life Insurance Company of Hartford and the Standard of Detroit. In each of these four companies he was insured for \$10,000. He carried no insurance against a natural death.

For the last week the insurance companies have had detectives here investigating the details of Mr. Johnson's death, and taking pictures of the rock. The announcement to-night was a result of their discoveries. Mr. Johnson was found on Sunday morning last by Manager Ketchum of the National Life Insurance Company of Vermont clinging to a shrub overhanging a precipice on the side of the rock. When he recovered consciousness he said he had been thrown from his wheel by the chain breaking and had lain there all night. He was removed to a small building where he made his temporary home, and on Monday afternoon was found dead.

Medical Examiner Gaylord's verdict of the case was that Johnson's death was due to causes not positively known, but probably uraemic coma.

The exposure was thought to have aggravated the Bright's disease from which Mr. Johnson had suffered for months. The detectives say that they believe that Johnson had not been on East Rock all night, but that he went up there early on Sunday morning.

SOLD TO A LIFE OF SHAME.

New York Girl Found by Her Mother in New Orleans—Another Girl With Her.

NEW ORLEANS, Nov. 7.—Mrs. Pauline Tiger of New York applied to the police to-day for their assistance in finding her daughter Rosie, who, she said, had been abducted for immoral purposes and traced to New Orleans by the New York police. Rosie was found on Marais street and turned over to her mother, who will take her home.

Rosie said that she had been the victim of an abduction, and gave the detective information about the persons who had sent her South. With her was another New York girl, named Mabel Cohen, but as she was of age she was released. The police have sufficient information of the traffic in girls to arrest the men engaged in it for him to day.

SQUADRON A IN THE SADDLE.

A March to Van Cortlandt Park, a Drill, Beef Steak and March Back.

Squadron A, horses and men, had their work out for them yesterday. Except for a brief mess hour at noon, the troopers were in the saddle from dawn till dark, marching the long sixteen miles to Van Cortlandt Park and back, and drilling and manoeuvring under the eyes of the State inspection officers and an army of pretty girls on the broad parade ground at the park.

The army at Ninety-fourth street and Madison avenue is too cramped to permit of squadron evolutions, and in justice to the men it was necessary to march them way up to Van Cortlandt. The troopers had to report at 6.30 o'clock in the morning, and the march was not begun until 7.30. The march was a long one, and the troopers were very tired when they returned to the city.

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TO NULLIFY THE LICENSE LAW.

NEW HAMPSHIRE PROHIBITION MEN PLAN TO KILL SALOONS.

Will Serve Notices on All Saloon Keepers Not to Sell Liquor to Certain Citizens. The Scheme is to Name All the Citizens of the License Towns.

NASHUA, N. H., Nov. 7.—The possibility of Prohibitionists using the clause of the new license law which authorizes a Justice of the Peace or other magistrate to forbid any license holder from selling liquor to any person he may name has awakened widespread discussion throughout the State. The Rev. G. W. Buzzell of this city, superintendent of the Hillsborough County Temperance Association, declared to-day that he intended to serve a notice containing every name in the Nashua directory upon local license holders, some 100 in number.

Should this be done the liquor men say that they will test the validity of the clause and see whether the commissioners regard such wholesale proscription to be the meaning of the law. They admit that they will cross no bridges before they reach them, however, and that some liquor who does not find his business profitable will be selected as the man upon whom to try the law. The violation of the new law entails the loss of an expensive license, the forfeiture of bonds double the amount of the license fee, and liability to imprisonment. All agree that the law has more teeth than they believed when it was adopted last spring.

Sheff Nathaniel Deane of Manchester, who was here to-day to raid a hotel man who had forfeited his license for serving beer on Labor Day to persons not strictly sober, said that the temperance people appeared to be in earnest in their purpose to enforce the law. He added that there is nothing to prevent its use by persons who desire to annoy political or other enemies, and any statement of convivial tendencies may find himself confronted with a blacklist when he applies at his favorite bar for a drink.

The test of the efficacy of the Goodell proscription of all the citizens of Antrim came to-night when the men in his shops were paid off. Several of them, with other Antrim men, visited the Valley House in Hillsborough, where the blacklist is posted. The proprietor refused to sell to them.

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TO SEGREGATE VICE.

Mayor Harrison Favors Fixing Three Places in Chicago for It to Settle.

CHICAGO, Nov. 9.—Three levees, one for each of the three leading parts of the city, are to be sanctioned by the city of Chicago, if present plans do not go astray. When Mayor Harrison ordered a list of levee property owners prepared, he acted not only from a desire to disclose to the public the identity of the landholders but also to take the first move in a definitely planned segregation and segregation scheme, of which he is the author.

The list was in his hands to-day. The Mayor will keep it until Monday, studying it, and then will hand it to the City Council investigation committee. That body will put the list to no sensational use. The owners do not stand even the risk of censure other than that which the public may give on beholding the names. By aid of the compilation the committee hopes to find the district in each part of the city apparently best suited for a levee quarter. Chairman Hermann is familiar with the idea of Mayor Harrison, and the Mayor and the entire committee are in harmony.

The Mayor's idea is that certain blocks in the Twenty-second street district, on the South side, part of the west side east of Halsted street and north of Madison, and the area in North Clark street, just beyond the river, are best suited for the project.

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DEATH IN A TENEMENT FIRE.

CHILD, STRAPPED IN CHAIR, KILLED BY SMOKE.

She and Her Brother and Sister Had Been Locked in the Room—The Other Children Carried to Safety by Negro Tenants—Unconscious, but Revived.

Fire in the four-story tenement at 232 West Sixty-first street late yesterday afternoon resulted in the death of one child and threw the people living in the house, of whom there are more than one hundred, into a state of wild excitement.

The fire was on the second floor in rooms occupied by Villard Johnston and his family. It was Johnston's two-year-old daughter, Viola, who was killed by suffocation. Two of his other children, Fanny, 6 years old, and Willie, 4, were overcome by the smoke, but were resuscitated after being taken to Roosevelt Hospital.

The little girl who was suffocated was in a high chair and could not get near a window as the other two did.

The children were alone in the rooms, and the fire is thought to have been started by the boy and the elder girl playing with matches. The mother of the children had gone out to buy groceries and had locked the doors of the rooms.

The fire was under considerable headway when it was discovered by people across the street. Peter Morrick, a negro, climbed up on the fire-escape and found the elder girl lying beside a front window unconscious. He carried her down.

The boy was carried out by Louise Dill, a negro woman living on the first floor, who broke open the door leading into Villard's rooms with an axe. None of the children was burned, although the blaze was close to the dead child when she was found.

When the alarm was sounded in the building there was a wild rush for the exits. One boy jumped from a second story window, but was not hurt. The fire was extinguished before it did much damage.

THE IRELAND'S LETTER.

Baptist Clergyman Says He Has Proof of an "Eccelesiastical Curse."

MINNEAPOLIS, Nov. 7.—The Rev. W. B. Riley of the First Baptist Church has written a reply to an open letter addressed to him by the Rev. Thomas E. Cullen, a Roman Catholic priest. Father Cullen denied Mr. Riley's charge that Archbishop Ireland had pronounced an "eccelesiastical curse" upon a man who dropped his studies for the Roman Catholic priesthood to enter Protestant evangelism. Mr. Riley declares that his charge is true, that he has in his possession the letter written by Archbishop Ireland to Evangelist Hauser, in which he said that he was ready to take the matter up with the Archbishop.

Washed a Man Out of a Trench.

A twenty-inch gate in a thirty-six inch water pipe gave way yesterday morning at Sixth street and Bloomfield avenue, Newark, and before the supply could be shut off the water was two feet deep on the avenue. It stopped the trolley traffic for an hour and undermined one of the tracks so that it could not be used. A trench was being dug near the gate and when the gate broke the torrent of water threw an Italian laborer out of the ditch and landed him sprawling in the roadway, drenched and covered with mud.

False Alarm From Wall Street District.

After the Fire Department had put out a fire in Child's restaurant in Beaver street yesterday another alarm was rung from Exchange place and New street, but the firemen were unable to locate any fire around that district. Two false alarms came from the same neighborhood a few days ago.

"77" helps all

COLDS

Dr. Humphreys' "Seventy-seven" helps all kinds of Colds, Grip, Coughs, Catarrh, Influenza, Pains and Soreness in Chest, Hoarseness and Sore Throat. "77" breaks up Colds that "hang on."

HELPS TO "SEVENTY-SEVEN."

No. 3 for Infants' Diseases.

In small doses, 10 to 20 pellets that fit the vast pocket. Druggists, 25 cents.

Medical Guide mailed free.

Humphreys' Med. Co., Cor. William & John Streets, New York.

ART SALES AND EXHIBITIONS.

House Sale Extraordinary

At 326 West 78th Street.

The entire contents of the Appleton house, at 326 West 78th Street, including the library of about two thousand volumes, are to be sold by order of Mrs. Dora T. Appleton. Sale commences Thursday, November 12th, at 10.30 A. M., and includes some very handsome parlor, dining and bedroom furniture. China, silver, porcelain, carpets and rugs, draperies, etc.

Under the management of The New York Art Galleries,

2 West 28th Street.

JOHN FELL O'BRIEN, Auctioneer.

The Minneapolis in Hampton Roads.

NORFOLK, Va., Nov. 7.—The United States cruiser Minneapolis, Capt. Marix, which has been in use as a training ship at Philadelphia since 1889, arrived in Hampton Roads to-day where she will prepare for a cruise down the coast with 400 recruits for the machinery department of the navy.

Fell From a Scaffold and Broke His Neck.

AMERICAN, N. Y., Nov. 7.—Edward Fisher, a workman in the brush room of Yund, Kennedy & Yund's knitting mill, fell fifty feet from a painter's scaffold this morning, breaking his neck and dying instantly. He went out on the scaffold to aid the painters and lost his balance.

BEST & C

LILIPUTIAN BAZAAR

Children's Outfitting.

The superior quality and exclusive character of our productions have earned for them a world-wide reputation.

Our values are always the best.

Norfolk Suits of blue chevrot or grey check; blouse pants; 7 to 14 yrs., \$6.25 & \$6.50

Long Russian Reefers of blue chevrots, with embroidery; \$6.00 to 10 yrs., \$7.50

Double-Breasted Reefers in above materials, also embroidered; 6 to 12 yrs., \$7.50

Boys' Russian Suits of striped galles; navy and white, and red and white; 2, 3 & 4 yrs., \$2.95

Boys' Sailor Collar Russian Suits in above materials, handsomely trimmed; 2, 3 & 4 yrs., \$3.25

Boys' Golf Caps, large variety, 500

Boys' Scotch Flannel Shirt Waists, fancy colors, 69c

Boys' Military Blouses, all wool; red or navy; 3 to 8 yrs., 98c

Boys' or Girls' Pajamas of flannel, fancy colors; 2 to 8 yrs., 75c

Infants' Knit Knee Leggings, white; size 1, 63c.; size 2, 68c.; size 3, 75c

Girls' and Misses' Knit Jackets, navy or cardinal; 8 to 12 yrs., \$1.35

Babies' Worsteds Sweaters, button on shoulder; all colors; \$1.90 to 6 mos. to 8 yrs., \$2.65

Babies' Worsteds Jackets, button down front; scarlet, navy, white, \$2.65

Babies' Carriage Fur Robes of lamb, with pockets, \$5.75

Children's Squirrel Sets; Flat Muffs and Boas, \$4.50

Boys' Buckskin Gloves, waterproof, 50c. pair

Wool Gloves for Boys and Girls; all sizes, 25c. pair

Boys' Fancy Mixed Scotch Wool Gloves, 50c. pair

Children's Lined Kid Mittens, 95c. & \$1.00 pair

School Stockings, double knees and soles; all sizes, 25c. pair

Wool Golf and Bicycle Hose, with and without feet, \$1.10 pair

Stockings to match shoes and dresses.

Complete lines of Cotton and Wool Hose, 25c. to \$1.50 pair

Underwear in all the desirable makes of Foreign and Domestic manufacture, in Cotton, Merino and Wool, white and natural.

Misses' and Children's Chamois Vests, with and without sleeves, \$2.50 & \$3.00

Plain and Ribbed Combination Suits in white and natural wool.

Drying Frames, prevent underwear from shrinking, 40c. & 70c. each

Eiderdown Short Coats; sizes 1, 2 & 3 yrs., \$3.25

Nainsook Short Dresses, yokes prettily trimmed; 1 & 2 yrs., 67c

Eiderdown Bath Blankets, \$1.45

Crib Blankets, pink and blue borders, \$1.50